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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,441	03/22/2001	Douglas D. Calaway	26303	4595
23117	7590	06/07/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			SMITH, JEFFREY A	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/814,441	<b>Applicant(s)</b> CALAWAY ET AL.	
	<b>Examiner</b> Jeffrey A. Smith	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 27-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3625

## **DETAILED ACTION**

### ***Response to Amendment***

The response filed March 17, 2006 has been entered and considered.

Claims 1-25, and 27-33 are pending.

Claim 26 has been cancelled.

An action on the merits of claims 1-25, and 27-33 follows.

### ***Drawings***

The drawings were received on March 17, 2006. These drawings are approved.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3625

Claims 1-4, 7-25, 27, 30, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Cambridge (US 2001/0037373 A1).

Cambridge discloses electronically initiating a purchase of an item using a computer (par. 0048).

A data storage medium having at least one image of at least one item stored thereon is provided (par. 0047); an image of an item from the storage medium is accessed (par. 0069); the accessed item image is viewed on a display in communication with a local processor (par. 0061); the item for purchase is electronically selected for purchase (par. 0064) causing purchase data on the item to be stored on a writable memory device in communication with the local processor (par. 0065); and a first selection and a second selection are permitted.

All purchase data not supplied by a consumer is supplied by the data storage medium (par. 0067).

The first selection causes printing of an order form configured to initiate a purchase when physically delivered to a vendor (par. 0078).

The second selection causes storing of the purchase data on a device accessible by the local processor (par. 0091).

Art Unit: 3625

The at least one image comprises a three-dimensional image; and the user is permitted to selectably rotate the image (par. 0071).

Two sets of images as well as other promotional material is disclosed (par. 0070).

The method is completed without having accessed information related to the item not already contained by the removable data storage medium (par. 0061).

Cambridge further discloses means for establishing communication between the processor and an external network (par. 0068).

Purchase data may be transferred to a vendor (par. 0068).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 3625

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cambridge (US 2001/0037373 A1) in view of Kenney (U.S. Patent No. 6,026,376).

Cambridge does not disclose that the image comprises an electronic switch means.

Kenney, in a similar invention (col. 1, lines 37-54), teaches "clicking" on a product in a virtual environment (col. 10, lines 45-53).

It would have been obvious to one of ordinary skill in the art to have provided the image of Cambridge as comprising an electronic switch means in order to automatically add an item represented by the image of Cambridge to a selected product list (Kenney: col. 12, lines 55-63).

Claims 28, 29, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cambridge (US 2001/0037373 A1) in view of Bernard et al. (U.S. Patent No. 5,918,213).

Cambridge does not disclose a reminder.

Bernard, in a similar invention (Abstract), teaches means for providing a reminder that pending purchase data remains (col. 5, line 61-col, 6, line 10).

It would have been obvious to one of ordinary skill in the art to have provided the invention of Cambridge to have included

Art Unit: 3625

a means for providing a reminder (at processor startup or otherwise) that pending purchase data remains (on the device or elsewhere) in order to have provided added convenience to the shopper in the event that the a transaction has not previously been completed (col. 6, lines 7-10).

### ***Response to Arguments***

Applicant's arguments filed March 17, 2006 have been fully considered but they are not persuasive.

Applicant remarks that Cambridge does not disclose that Cambridge requires Internet access in order to complete the purchase data.

The Examiner does not agree because, as is shown in Fig. 6, an Internet connection is not established until step "614" whereas order compilation (such as adding an item to a list (606), item confirmation (608), and recordation of name, billing information, and credit card information (610)) all occur prior to having established an Internet connection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

Art Unit: 3625

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

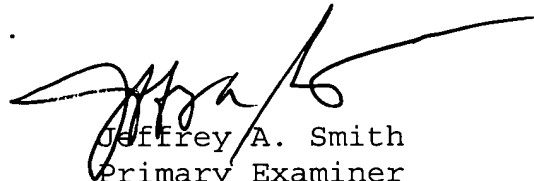
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is (571) 272-6763. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert M. Pond can be reached on 571-272-6760. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey A. Smith  
Primary Examiner  
Art Unit 3625

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